

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1305.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### MISBRANDING OF OLIVE OIL.

On April 24, 1911, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of two cases of canned table oil, 5 one-gallon cans and 3 one-gallon cans; in the possession of Frank Barbara, Starkville, Colo. The product was labeled: (On shipping case) "Olio Insalata Extra Fino"; (on retail containers) "Olio Finissimo La Stella D'Italia Brand, Extra Quality Qualita Sublime Marca Depositata." In addition, the cans bore the representation of a five-point star and in the lower right hand corner appeared in minute type the following label: "(A compound) Winter Pressed Cotton Salad Oil. Flavored with pure Italian Olive Oil in compliance with the pure food law."

Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Index of refraction at 25° C., 1.4708; iodine number 110.1; Halphen test for cottonseed oil, positive and strong; sesame oil test, negative. The libel alleged that the oil, after shipment from the State of New York into the State of Colorado, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel against said product as follows: That all said cases were and are misbranded within the meaning of the aforesaid act, in that the words "Olio Insalate Extra Fino" and meaning "Extra Fine Salad Oil" thereon were and are misleading and deceptive and tending to deceive and mislead Italian and other purchasers into believing that said oil was and is a superfine olive oil, whereas, in fact, said oil was and is not olive oil but an inferior cottonseed oil. That all said cans of oil were and are misbranded and mislabeled within the meaning of the aforesaid act in that the statements on the principal label, as set forth in paragraph II, printed in the Italian

and English languages on a background of red, white, and green, the national colors of Italy, and in words as follows, to wit: "Olio Finissimo Extra Quality Qualita sublime La Stella D'Italia Brand Marca Depositata." were and are intended to deceive and mislead Italian and other purchasers into believing that said oil was and is a superfine olive oil, whereas in truth and fact said oil was and is not olive oil at all, but, instead, was and is inferior cottonseed oil; that said label on said case was and is deceptive and misleading, in that the information as to the mixture and compound of the said oil in the following words to wit: "(A compound) Winter Pressed Cotton Salad Oil. Flavored with pure Italian Olive Oil in compliance with the pure food law." was and is not displayed conspicuously and was and is not part of the principal label but instead was and is placed at the very bottom portion of said label and was and is printed in very minute and insignificant type and much smaller than "8-point (brevier)" capitals, as required by Regulation 17 (c) for the enforcement of the Food and Drugs Act, as adopted by the Departments of Agriculture, Treasury, and Commerce and Labor; that compound clause was and is deceptive and misleading in that it was and is written and worded and so arranged as to lead Italian and other purchasers into believing that said oil was and is a pure Italian olive oil and as such conformed to the pure food law, whereas, in fact, the said oil was and is not olive oil but an inferior grade of cottonseed oil. That all said cans of oil were and are misbranded and mislabeled in that the name of the place of manufacture or production of said mixture or compound sold under the distinctive name "La Stella D'Italia Brand" does not appear on said label, as required by Regulation 17 (b) for the enforcement of the Food and Drugs Act and adopted by the Departments of Agriculture, Treasury, and Commerce and Labor.

On May 25, 1911, the case coming on for hearing and no one having appeared as claimant, a decree pro confesso was entered, finding the product misbranded as alleged in the libel and condemning and forfeiting it to the United States and ordering it to be sold by the marshal.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 22, 1912.*